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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,231	03/31/2004	Charles E. Benedict	14652CIP	3880
293	7590	09/19/2006	EXAMINER	
Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave Suite 406 Alexandria, VA 22314			LAVINDER, JACK W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/813,231

Applicant(s)

BENEDICT, CHARLES E.

Examiner

Jack W. Lavinder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 21-24 is/are rejected.
- 7) ☒ Claim(s) 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9-15 have been rejected under 35 U.S.C. 102(b) as being anticipated by Matoba, 5355562.

Regarding claim 1, Matoba discloses

- a buckle (figure 1)
- a latch plate having a pair of locking tongs (14)
- a pair of latching mechanisms (18) slidable within the housing
- a biasing means (26) disposed between the latching mechanisms urging them in opposite directions toward the first outer locking positions
- a release means (16a) engageable with the latching mechanisms (18) for moving the mechanisms simultaneously inwardly to a second release position

wherein the biasing means (16) constantly urges the latching mechanisms toward the locking positions with oppositely directed forces such that when one of the latching mechanisms is urged toward the second release position by a force, a simultaneous and substantially equal increase in force is applied to retain the other latching mechanism in the first locking position. When the user pushes on the lower release

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means (16a, figure 1) without pushing on the upper release means (16a), the force is transmitted through the biasing means (16b, lower portion), into the tongue (36) of the latch plate, onto the upper portion of the biasing means (26b) and then onto the top latch mechanism (18), which then engages the locking tong (14) with a force substantially equal to the force applied on the lower release means.

Regarding claim 2, Matoba discloses a pair of spaced openings for receiving the release means/push buttons (16), wherein the push buttons extend upwardly (relative term depending on how the buckle is oriented) through opposite openings in the housing.

Regarding claim 3, Matoba discloses housing that extends slightly above the push buttons in an area of the openings, i.e., plate 12b extends over the buttons (figure 2).

Regarding claim 4, Matoba discloses a slide block (18) with an outer tapered face that engages the locking tong (14, figure 1).

Regarding claims 5 and 12, Matoba discloses a pair of guide blocks (44, 44a and 46, 46a) defining a guide channel therebetween.

Regarding claims 6 and 10, Matoba discloses a pair of opposing sidewalls (12a, 12b) defining an upper sidewall channel and a lower sidewall channel (as seen from the perspective of figure 1) for receiving the locking tongs.

Regarding claim 7, Matoba discloses release means/push buttons (16) for releasing the latching mechanisms.

Regarding claim 9, Matoba discloses a latch plate having an intermediate tang/tongue (36), which prevents the latching mechanisms from moving to the second release positions.

Regarding claim 11, Matoba discloses a slide block (16) having an outer tapered face (18) for engaging the locking tongs.

Regarding claim 13, Matoba discloses a first resilient means (26b) for urging the slide release member to its first position.

Regarding claim 14, Matoba discloses a second resilient means (26a), which functions to urge the latch plate (10) from the buckle (12).

Regarding claim 15, Matoba discloses a tang (36) disposed between one of the guide members, i.e., between top portion 44 and bottom portion 44 in figure 1.

3. Claims 21-24 have been rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lohr, 3605210.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Matoba in view of Van Riesen, 4809409.

Regarding claim 8, Matoba fails to disclose a housing with a domed portion for receiving a push button. However, Van Riesen discloses a dome-shaped housing

portion, i.e., the right end of the housing (1) in figure 2, for receiving a release button (29). It would have been obvious to a person having ordinary skill in the art to reshape Matoba's housing to include domed portions for receiving the push buttons in order to improve the feel and look of the housing.

6. Claims 16 and 18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Matoba in view of Clarke, 2153077.

Matoba fails to disclose an inertia lock for locking the latch mechanisms to prevent the undesirable release of the latch mechanism from the latch plate, as required by claims 16 and 18. Clarke discloses a coupling having a pair of latching mechanisms (3) and an inertia lock (19) that prevents the undesirable release of the latch plate. Therefore, it would have been obvious to a person having ordinary skill in the art to modify Matoba's coupling member to include an inertia lock to prevent the undesirable release of the latch from the latch plate.

#### ***Double Patenting***

7. Claims 1 and 21 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 16 of copending Application No. 10669381. Although the conflicting claims are not identical, they are not patentably distinct from each other because the scope of the claims in the application encompasses the scope of the claims in the other pending application, 10669381.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

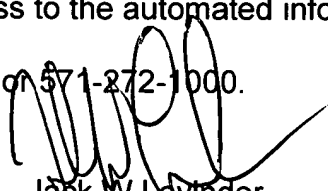
***Allowable Subject Matter***

8. Claims 17, 19 and 20 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack W. Lavinder whose telephone number is 571-272-7119. The examiner can normally be reached on Mon-Friday, 9-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jack W Lavinder  
Primary Examiner  
Art Unit 3677

9/11/2006